

REGULAR MEETING OF THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF IRVINGTON, NEW YORK HELD ON MONDAY JUNE 20, 2005 AT 7:00 P.M. VILLAGE HALL, 85 MAIN STREET, IRVINGTON, NEW YORK.

Present: Dennis P. Flood, Mayor
Richard J. Livingston, Trustee
Jonathan A. Siegel, Trustee
David A. Klassen, Trustee
Nicola S. Coddington, Trustee
Donald P. Marra, Village Administrator
Lawrence S. Schopfer, Clerk-Treasurer
Edward J. Ritter, Deputy Clerk-Treasurer
Lino J. Sciarretta, Deputy Village Attorney
Michael P. Cerone, Police Lieutenant
Gregory R. Nilsson, Superintendent of Public Works

The Board held a work session from 7:00 p.m. until 7:30 p.m. At 7:30 p.m., Mayor Flood called the meeting to order. Trustee Livingston made a motion for the Board to adjourn to executive session to take up legal and personnel matters. The motion was seconded by Trustee Siegel and unanimously approved.

Upon reconvening after executive session, the regular meeting was called to order by Mayor Flood who led the attendance in the pledge of allegiance to the flag of the United States of America.

Mayor Flood opened the floor to public comment on matters not contained on the agenda of the regular meeting. There were no comments from those in attendance.

Trustee Livingston made a motion to adopt the minutes of the regular meeting of the Board of Trustees held June 6, 2005. Trustee Siegel seconded the motion and it was unanimously approved.

Mayor Flood read correspondence from Joseph Elliot who, after twenty years of service, is resigning his position from the Irvington Planning Board. Mayor Flood thanked Mr. Elliott for his dedication and service to Irvington. Additional correspondence from Mark and Nancy Mazur as well as Earl Ferguson, in regard to the proposed FAR and Height zoning changes were read during the Public Hearing for the proposed changes. A copy of the correspondence is attached hereto as a part of these minutes.

**RESOLUTION 2005-66
AUTHORIZATION TO DESIGNATE THE IRVINGTON BOARD OF TRUSTEES AS LEAD AGENCY.**

Trustee Siegel offered the following resolution, which was seconded by Trustee Klassen:

RESOLVED to designate the Irvington Board of Trustees as lead agency with respect to a State Environmental Quality Review Act review of an environmental assessment form regarding the proposed local law amending Chapter 224 of the Village Code (Zoning) regarding height.

The vote resulted as follows:

AYES: 5 (Mayor Flood, Trustees Livingston, Siegel, Klassen, Coddington)
NAYS: NONE

**RESOLUTION 2005-67
AUTHORIZATION TO PREPARE A NEGATIVE DECLARATION IN REGARD TO THE PROPOSED LOCAL LAW AMENDING CHAPTER 224 OF THE VILLAGE CODE (ZONING) REGARDING HEIGHT.**

Trustee Livingston offered the following resolution, which was seconded by Trustee Siegel:

RESOLVED, that after careful review of the environmental assessment form, it is the determination of the Village Board of Trustees that the adoption of the proposed local law amending Chapter 224 of the Village Code (Zoning) regarding height will have no negative impacts on the environment. Accordingly, a negative declaration will be prepared and filed in the office of the Village Clerk.

The vote resulted as follows:

AYES: 5 (Mayor Flood, Trustees Livingston, Siegel, Klassen, Coddington)
NAYS: NONE

Mayor Flood opened a public hearing on the proposed local law Chapter 224 of the Village Code (Zoning) regarding height. Edward Marron Jr., Building Inspector, reviewed the proposed law for the attendees. After some discussion, Trustee Siegel made a motion to close the public hearing. The motion was seconded by Trustee Klassen and unanimously approved.

RESOLUTION 2005-68

ADOPTION OF A PROPOSED LOCAL LAW AMENDING CHAPTER 224 OF THE VILLAGE CODE (ZONING) REGARDING HEIGHT.

Trustee Siegel offered the following resolution, which was seconded by Trustee Klassen:

WHEREAS, the proposed local law amending Chapter 224 of the Village Code (Zoning) regarding height is considered an unlisted action pursuant to the State Environmental Quality Review Act, and

WHEREAS, the Village Board has declared that said local law will have no negative impacts on the environment, now therefore be it

RESOLVED, to adopt the proposed local law amending Chapter 224 of the Village Code (Zoning) regarding height.

The vote resulted as follows:

| | |
|---------|---|
| AYES: 5 | (Mayor Flood, Trustees Livingston, Siegel, Klassen, Coddington) |
| NAYS: | NONE |

RESOLUTION 2005-69

AUTHORIZATION TO DESIGNATE THE IRVINGTON BOARD OF TRUSTEES AS LEAD AGENCY.

Trustee Siegel offered the following resolution, which was seconded by Trustee Klassen:

RESOLVED to designate the Irvington Board of Trustees as lead agency with respect to a State Environmental Quality Review Act review of an environmental assessment form regarding the proposed local law amending Chapter 224 of the Village Code (Zoning) regarding floor area ratio.

The vote resulted as follows:

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|---------|---|
| AYES: 5 | (Mayor Flood, Trustees Livingston, Siegel, Klassen, Coddington) |
| NAYS: | NONE |

RESOLUTION 2005-70

AUTHORIZATION TO PREPARE A NEGATIVE DECLARATION IN REGARD TO THE PROPOSED LOCAL LAW AMENDING CHAPTER 224 OF THE VILLAGE CODE (ZONING) REGARDING FLOOR AREA RATIO.

Trustee Livingston offered the following resolution, which was seconded by Trustee Siegel:

RESOLVED, that after careful review of the environmental assessment form, it is the determination of the Village Board of Trustees that the adoption of the proposed local law amending Chapter 224 of the Village Code (Zoning) regarding floor area ratio will have no negative impacts on the environment. Accordingly, a negative declaration will be prepared and filed in the office of the Village Clerk.

The vote resulted as follows:

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|---------|---|
| AYES: 5 | (Mayor Flood, Trustees Livingston, Siegel, Klassen, Coddington) |
| NAYS: | NONE |

Mayor Flood opened a public hearing on the proposed local law amending Chapter 224 of the Village Code (Zoning) regarding floor area ratio. Mayor Flood read correspondence from Earl Ferguson and Mark and Nancy Mazur commenting on the proposed legislation. A copy of the correspondence is attached hereto as a part of these minutes. Edward Marron Jr., Building Inspector and Peter Lilienfield, Chairman, Planning Board reviewed the proposed law for the attendees. Members of the audience, including Earl Ferguson, Brenda Livingston, John Malone, Barbara Denyer, Richard Davies, and Claudia Smith, expressed their opinions. Trustees Coddington, Klassen, Livingston, Siegel as well as Mayor Flood commented on the proposed legislation as well. After some discussion, Trustee Livingston made a motion to close the public hearing. The motion was seconded by Trustee Siegel and unanimously approved.

RESOLUTION 2005-71

ADOPTION OF A PROPOSED LOCAL LAW AMENDING CHAPTER 224 OF THE VILLAGE CODE (ZONING) REGARDING FLOOR AREA RATIO.

Trustee Livingston offered the following resolution, which was seconded by Trustee Klassen:

WHEREAS, the proposed local law amending Chapter 224 of the Village Code (Zoning) regarding floor area ratio is considered an unlisted action pursuant to the State Environmental Quality Review Act, and

WHEREAS, the Village Board has declared that said local law will have no negative impacts on the environment, now therefore be it

RESOLVED, to adopt the proposed local law amending Chapter 224 of the Village Code (Zoning) regarding floor area ratio.

The vote resulted as follows:

| | |
|---------|---|
| AYES: 5 | (Mayor Flood, Trustees Livingston, Siegel, Klassen, Coddington) |
| NAYS: | NONE |

Trustee Coddington made a suggestion that there should be a committee to review proposed Village Code changes, Mayor Flood agreed to look into it.

The discussion continued with comments from Richard Davies, Claudia Smith, John Malone, Earl Ferguson, and Barbara Denyer.

RESOLUTION 2004-72

REQUEST FROM IMMACULATE CONCEPTION CHURCH TO USE MATTHIESSEN PARK FOR ANNUAL “MASS IN THE PARK” AND PARISH PICNIC

Trustee Livingston offered the following resolution, which was seconded by Trustee Siegel and adopted:

RESOLVED, that the Immaculate Conception Church request to use Matthiessen Park on Saturday, September 24, 2005 for their annual Mass in the Park and parish picnic is hereby granted. Any Village costs associated with this event will be paid for by the church via in-kind services such as use of school gymnasium by the Recreation Department.

The vote resulted as follows:

| | |
|---------|---|
| AYES: 5 | (Mayor Flood, Trustees Livingston, Siegel, Klassen, Coddington) |
| NAYS: | NONE |

Mayor Flood announced that a four (4) year agreement had been reached with C.S.E.A., Local 1000, AFSCME, AFL-CIO. He thanked Donald Marra, Village Administrator, Lawrence Schopfer, Clerk-Treasurer, and Edward Ritter, Deputy Clerk-Treasurer for their efforts in the negotiation process.

RESOLUTION 2004-73

APPROVAL OF AN AGREEMENT WITH C.S.E.A., LOCAL 1000, AFSCME, AFL-CIO FOR A FOUR YEAR CONTRACT

Trustee Klassen offered the following resolution, which was seconded by Trustee Livingston and adopted:

RESOLVED, to approve an agreement with C.S.E.A., Local 1000, AFSCME, AFL-CIO for a four (4) year contract, and

FURTHER RESOLVED, to authorize the Village Administrator to execute said agreement.

The vote resulted as follows:

AYES: 5 (Mayor Flood, Trustees Livingston, Siegel, Klassen, Coddington)
NAYS: NONE

RESOLUTION 2005-74

AWARD OF A CONTRACT FOR TREE REMOVAL, PRUNING AND STUMP GRINDING SERVICES

Trustee Livingston offered the following resolution, which was seconded by Trustee Klassen and adopted:

WHEREAS, sealed bids for contract 2005-05 (tree removal, pruning and Stump grinding) were received and opened on June 17, 2005 now therefore be it

RESOLVED, to award contract 2005-05 for tree removal, pruning and Stump grinding to the low bidder, The Care of Trees for a daily rate for Tree removal and pruning of \$1,040.00 and a daily rate for stump grinding of \$600.00, and

FURTHER RESOLVED, to authorize Supt. of Public Works, Greg Nilsson to execute said contract.

The vote resulted as follows:

AYES: 5 (Mayor Flood, Trustees Livingston, Siegel, Klassen, Coddington)
NAYS: NONE

RESOLUTION 2005-75

AWARD OF A CONTRACT FOR THE PURCHASE OF MISCELLANEOUS HARDWARE.

Trustee Livingston offered the following resolution, which was seconded by Trustee Klassen and adopted:

WHEREAS, sealed bids for contract 2005-06 (miscellaneous hardware) were received and opened on June 17, 2005 now therefore be it

RESOLVED, to award contract 2005-06 for miscellaneous hardware to the low bidder, Irvington Hardware for a discounted pricing of 10% for individual purchases and 20% for bulk purchases, and

FURTHER RESOLVED, to authorize Supt. of Public Works, Greg Nilsson to execute said contract.

The vote resulted as follows:

AYES: 5 (Mayor Flood, Trustees Livingston, Siegel, Klassen, Coddington)
NAYS: NONE

Mayor Flood announced that there were no bids received for the contract to purchase Auto Parts. Deputy Clerk-Treasurer Ritter said that the contract would be re-bid as soon as possible.

Mayor Flood announced that one (1) bid was received for curb replacement. The bid was received from Peter J. Landi, Inc for \$30.00 per Linear Foot. This amount exceeds the amount budgeted for the curbing project of 2,319 Linear Feet and would not be in the best interest of the Village. At this time, it is recommended that the bid be rejected and the contract re-bid as soon as possible.

RESOLUTION 2005-76
APPOINTMENT OF A SEASONAL EMPLOYEE IN THE DEPARTMENT OF PUBLIC WORKS

Trustee Klassen offered the following resolution, which was seconded by Trustee Siegel and adopted:

RESOLVED, to appoint the following seasonal employee in the Department of Public Works subject to an appropriate background check:

| <u>Name</u> | <u>Title</u> | <u>Hourly Rate</u> |
|--------------|--------------|--------------------|
| Andrew Clark | Laborer P/T | \$7.50/hr. |

The vote resulted as follows:

AYES: 5 (Mayor Flood, Trustees Livingston, Siegel, Klassen, Coddington)
 NAYS: NONE

RESOLUTION 2005-77
REQUEST FOR THE ISSUANCE OF A PEDDLER’S PERMIT FOR MICHAEL RENATO DOLGETTA

Trustee Livingston offered the following resolution, which was seconded by Trustee Siegel and adopted:

WHEREAS, Michael Renato Dolgetta has applied to the Village Board of the Village of Irvington for a peddler’s permit to sell coffee at the Irvington train station between the hours of 6:30 a.m. and 8:15 a.m. in accordance with Chapter 155 of the Village Code, now therefore be it

RESOLVED, to authorize the Village Clerk to issue a peddler’s permit to Michael Renato Dolgetta for an annual fee of \$100.

The vote resulted as follows:

AYES: 5 (Mayor Flood, Trustees Livingston, Siegel, Klassen, Coddington)
 NAYS: NONE

Trustee Coddington reported on the activities of the Highway department who repaired, rebuilt, cleaned and jettied the drainage system at Lower Fieldpoint Drive and Hudson View Park; delivered compost to residents; assisted the Water Department with the repair of a fire hydrant on Hamilton Road; assisted the Water Department with the repair of a service line break on Hillside Terrace; assisted the Water Department with reading meters; repaired & rebuilt two (2) catch basins & cleaned ten (10) catch basins at various locations. They continued to assist the Village Clerk/Treasurer, Building Inspector, Police Department and Court Clerk with Town Hall renovations by moving furniture & files, delivering materials and disposing of demolition & construction debris as well as trimming Village trees and cutting grass.

Trustee Klassen reported on the annual activities of the building department; the costs of construction has risen over the past five years from \$9,139,161to \$13,952,545. He noted that the amount of building permits issued has grown from 126 to 160. Trustee Klassen also reported that the recreation department had begun Kayaking Clinics and reminded everyone that the July 4th celebration would be held in Matthiessen Park.

Trustee Siegel reported that he attended a concerning land use on Saturday, June 18, 2005. Attendees included, Mayor Flood, Village Administrator Donald Marra, and the Chairmen of OSAC, ECB, Planning, and Zoning Boards. Trustee Siegel also met with the Tiffany Committee.

Trustee Livingston reported that the last meeting of the ARB had the longest agenda of fourteen cases. All cases were approved with one case receiving a partial approval. He further reported that there was no meeting of the insurance committee with the Town of Greenburgh.

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Village Administrator Donald Marra reported that the Residential Parking Permits were being issued at Village Hall. This information has been posted on the Village web site and hand delivered to all the residents in the affected areas.

Trustee Coddington wanted to thank the Department of Public Works for their efforts with the water main break on her street. She also thanked the Board for the opportunity of attending the NYCOM conference in Saratoga Springs.

Barbara Denyer wanted to thank Greg Nilsson, Superintendent of Public Works and Larry Schopfer for their help with the clock repair in the Tiffany Room.

Trustee Livingston made a motion for the Board to adjourn to executive session to take up legal and personnel matters. The motion was seconded by Trustee Siegel and unanimously approved.

Upon reconvening after executive session, upon a motion duly made, seconded and unanimously approved, the Board approved salary modifications effective June 1, 2004, attached hereto as a part of these minutes.

There being no further business, the meeting was adjourned.

Edward J. Ritter, Deputy Clerk-Treasurer